

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2005-_____

AMENDING WASTE DISCHARGE REQUIREMENTS
ORDER NO. R5-2002-0210
NPDES NO. CA0078662

EL DORADO IRRIGATION DISTRICT
DEER CREEK WASTEWATER TREATMENT PLANT

EL DORADO COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) finds:

1. On 6 December 2002, the Regional Board adopted Waste Discharge Requirements (WDR) Order No. R5-2002-0210, NPDES No. CA0078662, prescribing waste discharge requirements for El Dorado Irrigation District (hereafter Discharger) for the Deer Creek Wastewater Treatment Plant (DCWWTP) in El Dorado County. WDR Order No. R5-2002-0210 regulates the discharge of approximately 2.5 million gallons per day (mgd) of treated domestic wastewater to Deer Creek, a tributary of the Cosumnes River.
2. Also on 6 December 2002, the Regional Board adopted Cease and Desist Order (CDO) No. R5-2002-0211, with requirements and time schedules to bring the discharge into compliance with receiving water limitations. The discharge from the DCWWTP may dominate the flow in Deer Creek during periods of low natural flow in Deer Creek. CDO No. R5-2002-0211 was issued because domination of the flow by effluent has caused violations of Basin Plan water quality objectives and receiving water limitations for pH, temperature, and turbidity.
3. The Discharger developed a proposal for Basin Plan Amendments (BPAs) for pH, turbidity, and temperature water quality objectives specific to Deer Creek. The pH, turbidity, and temperature objectives would be amended, if appropriate, in lieu of making treatment plant improvements for compliance with existing objectives. Studies were completed to determine whether BPAs were appropriate for pH, turbidity, and temperature objectives. The results of the study were compiled in a BPA Technical Report and the requirements of the California Environmental Quality Act were addressed in the Functional Equivalent Document.
4. On 17 October 2003, the Regional Board adopted Cease and Desist Order No. R5-2002-0211 Amendment 1 to amend the compliance schedule of CDO No. R5-2002-0211. Additional time was required to allow the Discharger to pursue the Site-Specific Basin Plan Amendments for pH, turbidity, and temperature water quality objectives. The compliance schedule required that the Discharger achieve compliance with the Receiving Water Limitations for pH, turbidity, and temperature listed in Waste Discharge Requirements Order No. R5-2002-0210, by 1 December 2004.

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5. The Regional Board adopted Site-Specific Basin Plan Amendments for pH and turbidity on 19 July 2002. The pH and turbidity amendments became effective on 22 January 2003 after approval by the State Water Resources Control Board, State of California Office of Administrative Law, and US Environmental Protection Agency.

The Basin Plan, Chapter III, page III-6.00 has been amended by the addition of the following sentence to the end of the “pH section”:

For Deer Creek, source to Cosumnes River, pH shall not be depressed below 6.5 nor raised above 8.5.

The Basin Plan, Chapter III, page III-9.00 has been amended by the addition of the following to the end of the “Turbidity section”:

For Deer Creek, source to Cosumnes River:

- *When the dilution ratio for discharges is less than 20:1 and where natural turbidity is less than 1 Nephelometric Turbidity Unit (NTU), discharges shall not cause the receiving water daily average turbidity to exceed 2 NTUs or daily maximum turbidity to exceed 5 NTUs. Where natural turbidity is between 1 and 5 NTUs, discharges shall not cause receiving water daily average turbidity to increase more than 1 NTU or daily maximum turbidity to exceed 5 NTUs.*
- *Where discharge dilution ratio is 20:1 or greater, or where natural turbidity is greater than 5 NTUs, the general turbidity objectives shall apply.*

6. The Regional Board adopted Site-Specific Basin Plan Amendments for temperature on 31 January 2003 and the State Water Resources Control Board approved the amendments on 19 February 2004. The temperature amendments will not be effective until after approval by the State of California Office of Administrative Law and US EPA.
7. Findings and Orders in Cease and Desist Order No. R5-2002-0211 Amendment 1 will be amended in a separate Resolution to incorporate the recent Basin Plan Amendments for pH and turbidity water quality objectives and the current status of the temperature objectives.
8. This Resolution includes amendments to the Findings and Receiving Water Limitations of CDO No. R5-2002-0210 to reflect the new Site-Specific Basin Plan water quality objectives for pH and turbidity and amended compliance schedule for temperature.
9. The action to adopt or amend an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.), requiring preparation of an environmental impact report or negative declaration in accordance with Section 13389 of the California Water Code.

10. The Regional Board has notified the Discharger and interested agencies and persons of its intent to amend waste discharge requirements for this discharge and has provided them with an opportunity for public hearing and an opportunity to submit their written views and recommendations.
11. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.
12. This Order shall amend Waste Discharge Requirements Order No. R5-2002-0210, NPDES No. CA0078662, pursuant to Section 402 of the Clean Water Act, and amendments thereto, and shall take effect upon the date of hearing, provided US EPA has no objections.

IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. R5-2002-0210 is amended solely to change the Findings for pH, turbidity, and temperature and to amend the Receiving Water Limitations for pH and turbidity. El Dorado Irrigation District, its agents, successors and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with Amended Order No. R5-2002-0210:

1. Finding No. 9 of Waste Discharge Requirements Order No. R5-2002-0210 shall be amended as follows (new language is highlighted and deleted language is shown in strikethrough):
 9. Discharge from the DCWWTP can at times dominate the flow in Deer Creek. This condition caused violation of the Basin Plan water quality objectives for inland surface waters for pH, dissolved oxygen, temperature, and turbidity. The Discharger has made significant upgrades to the facility, however, during low flow conditions in the creek, receiving water limitations for these pollutants are not being consistently achieved. The Regional Board issued Cease and Desist Order (CDO) No. 95-255 on 7 December 1995 requiring the Discharger to implement corrective actions to comply with these and other permit limitations. Subsequent to the CDO being issued, significant improvements to the facilities were made which brought the facility into compliance with the dissolved oxygen limit, however, pH, turbidity, and temperature remained problematic. When ~~the current~~ WDRs were issued in 1997, a CDO with compliance time schedules was also adopted to allow further time to comply with the Basin Plan objectives for pH, turbidity, and temperature.

The Discharger chose to pursue a Site-Specific Basin Plan Amendment (SSBPA) in lieu of making physical improvements to the treatment plant for compliance with Basin Plan objectives for pH, turbidity, and temperature. Due to the lengthy SSBPA process, the time schedule was modified to reflect the additional time needed to complete the Basin Plan Amendments (BPAs). In 2000, CDO No.

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5-009-033, Amendment 1, requires the Discharger to complete the BPAs by 301 December 2003. On 19 July 2002, the Regional Board adopted the BPAs for pH and turbidity. The State Water Resources Control Board (State Board), State of California Office of Administrative Law (OAL), and U.S. EPA must also approve the BPAs before the BPAs become effective.

Because WDR Order No. R5-2002-0210 contains receiving water limitations for pH, turbidity, and temperature with which the discharge has not been able to comply, the length of the SSBPA process, and additional compliance difficulties involving trihalomethanes, nitrite, and nitrate plus nitrite, Cease and Desist Order No. R5-2002-0211 was adopted by the Regional Board on 6 December 2002. The CDO continued to require completion of Basin Plan Amendments (BPA) for site-specific pH, turbidity, and temperature objectives for Deer Creek by 1 December 2003.

The pH and turbidity BPAs became effective on 22 January 2003. On 17 October 2003, the Regional Board adopted Cease and Desist Order No. R5-2002-0211 Amendment 1 to allow the Discharger until 1 December 2004 to complete the Site-Specific BPA process. The Regional Board adopted the BPA for temperature on 31 January 2003 and the State Board approved the BPA on 19 February 2004. The State of California Office of Administrative Law (OAL) and U.S. EPA have not yet acted on the temperature BPA. The Regional Board has not yet considered the BPA for temperature. Since the existing Basin Plan Objectives for pH, turbidity, and temperature remain in effect, this Order contains limitations based on those objectives.

2. Receiving Water Limitations D.6 and D.7 in Waste Discharge Requirements Order No. R5-2002-0210 shall be amended as follows (new language is highlighted and deleted language is shown in strikethrough):

D. Receiving Water Limitations:

Receiving Water Limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this permit.

The discharge shall not cause the following in the receiving water:

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6. The turbidity to increase as follows:

- a. ~~(The 30-day average turbidity to increase) More than 1 Nephelometric Turbidity Units (NTUs) where natural turbidity is between 0 and 5 NTUs.~~

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When the dilution ratio for discharges is less than 20:1 and where natural turbidity is less than 1 Nephelometric Turbidity Unit (NTU), discharges shall not cause the receiving water daily average turbidity to exceed 2 NTUs or daily maximum turbidity to exceed 5 NTUs. Where natural turbidity is between 1 and 5 NTUs, discharges shall not cause receiving water daily average turbidity to increase more than 1 NTU or daily maximum turbidity to exceed 5 NTUs.

- b. More than 20 percent where natural turbidity is between 5 and 50 NTUs.
 - c. More than 10 NTUs where natural turbidity is between 50 and 100 NTUs.
 - d. More than 10 percent where natural turbidity is greater than 100 NTUs.
7. ~~The ambient pH to fall below 6.5, exceed 8.5, or the 30-day average ambient pH to change by more than 0.5 units.~~ pH shall not be depressed below 6.5 nor raised above 8.5.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____ 2005.

THOMAS R. PINKOS, Executive Officer